

DETAILED ACTION

Applicants amendment filed July 23, 2009 has been received and entered. Claims 1-74 have been cancelled, and new claim 76 has been added. Accordingly, claims 74-76 are pending in the instant application.

Claim Objections

1. The objection of claim 58 for reciting “comprising at least **a a** VH, CH2 and...” is withdrawn in view of the cancellation of said claim.

Claim Rejections - 35 USC § 112

2. The rejection of claim 63 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, a written description rejection is withdrawn in view of the cancellation of said claim.
3. The rejection of claim 63 under 35 U.S.C. 112, second paragraph, as being vague and indefinite in the recitation of “a functional variant” is withdrawn in view of the cancellation of said claim.

Claim Rejections - 35 USC § 102

4. The rejection of claims 75 under 35 U.S.C. 102(e) as being anticipated by Fang et al is withdrawn in view of Applicants arguments.

Claim Rejections - 35 USC § 103

5. The rejection of claims 75 under 35 U.S.C. 103(a) as being unpatentable over Fang et al in view of Heinrikson et al, Sgarlato and Huston et al is withdrawn in view of Applicants arguments.

The following new grounds of rejection are applied to the newly added claims:

Claim Objections

6. Claim 76 is objected to because of the following informalities:

Claim 76 has been added and includes the amino acid sequence "RGLTSL."

This amino acid sequence is greater than four amino acids and is therefore is required to have a SEQ ID TAG as required by 37 CFR § 1.821 through 1.825.

As this SEQ ID TAG is missing, no search can be preformed of the recited sequence. Consequently, no search of claim 76 has been done in view of its failure to meet the requirements of 37 CFR § 1.821 through 1.825.

Claim 75 is allowed, however Applicants are requested to amend the typographical error in line 6 which recites "a a VH, CH2...".

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Navarro whose telephone number is (571) 272-0861.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on (571) 272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1645

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/Mark Navarro/
Primary Examiner, Art Unit 1645
October 21, 2009